

Elizabeth
Durkin/PAWF/03/FDO
08/09/2005 09:27 AM

To Karen Gerlach/PAWF/03/FDO@FDO, Linda
Martz/PAWF/03/FDO@FDO
cc Thomas Patton/PAWF/03/FDO@FDO

bcc

Subject recent closings

Below are the cases in which we have had sentencings:

8/2/05 Daniel Hines - resentencing

NO APPEAL

[REDACTED]

[REDACTED]



Date: 11/24/2004 11:10 AM
Sender: Karen Gerlach
To: Thomas Patton
cc: Linda Martz
Priority: Normal
Subject: Re[4]:Fwd:Erie Sentencings
Ok, thanks. Karen



And for Hines, did anything unusual happen at the arraignment or the detention hearing? I am also trying to decide whether or not to order these transcripts.

Thanks.
Karen

Forward Header

Subject: Erie Sentencings
Author: Elizabeth Durkin
Date: 11/24/2004 8:39 AM

We've had the following sentencings recently in Erie. Karen, I believe Tom has talked to you about the ones which need appeals; Linda I gave you the case number for these, too. I'll be sending the files down to Pittsburgh for Hines and [REDACTED]

Case Name	Sentencing Date	Date Judgment Docketed	Appeal??
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[REDACTED]	11/19/04	11/22/04	yes
[REDACTED]	11/22/04	11/22/04	no
Daniel Ray Hines	11/22/04	unknown	yes
[REDACTED]	11/23/04	unknown	no

I'll put a copy of this in the respective files. Let me know if you need any more info in the meantime.

-Liz

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Assistant Federal Public Defenders

**Erie Branch Office
(814) 455-8089*

December 1, 2004

Daniel Ray Hines
c/o Erie County Prison
1618 Ash Street
Erie, Pennsylvania 16503



**Re: United States of America
v. Daniel Ray Hines
Criminal No. 04-02E**

Dear Mr. Hines:

Please allow me to introduce myself. My name is Karen Sirianni Gerlach and I am the appellate attorney here at the office of the Federal Public Defender for the Western District of Pennsylvania. As the appellate attorney, I will be taking over responsibility for your case from Attorney Patton who represented you in the district court. Therefore, any questions you have regarding your appeal should be directed to me. I look forward to working together with you on your appeal.

The first step in the appeal process was the filing of the Notice of Appeal. The Notice of Appeal in this case was filed on December 1, 2004. The next step is to order all necessary transcripts. Once the necessary transcript(s) have been completed, the Third Circuit Court of Appeals will issue a briefing schedule setting due dates for the briefs.

As soon as your brief is completed, I will file it with the Court, and at the same time, will send a copy of the brief to the government. After the government receives our brief, it will have three weeks to file its own brief. The government will send us a copy of its brief when they file it, and we will then have an additional two weeks to file a Reply Brief. A Reply Brief, which is optional, is much shorter than the other two briefs, and gives us one last chance to present our arguments and to rebut any new arguments raised by the government in its brief. You will receive copies of all of these briefs, as well as any other papers filed with regard to your appeal.

After all three briefs have been submitted to the Court of Appeals, it will set a tentative argument date. The tentative argument date is set approximately three months in advance.

FILE COPY

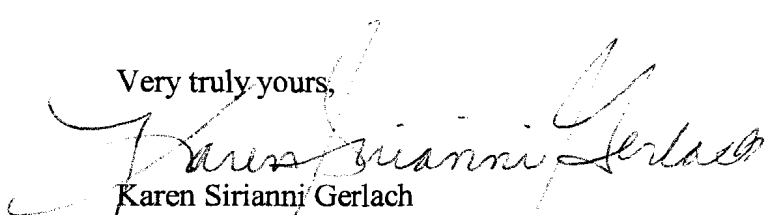
Daniel Ray Hines
December 1, 2004
Page 2

Approximately seven to ten days before the tentative argument date, the Court of Appeals will notify me and the attorney for the government regarding whether or not it wants to hear oral argument of the case. If the Court of Appeals does want to hear oral argument on the case, then the government's attorney and I will argue the case before a panel of three judges. If, however, the Court informs us that it does not want to hear oral argument, then the case will be decided based upon what was written in the briefs filed by the government and by me. This is referred to as "submitting the case on the briefs." Whether your case is argued or simply submitted on the briefs has no bearing on whether or not the result will be favorable to you.

Once your case is either argued or submitted on the briefs, a decision can be rendered at any time. Sometimes the decision will be made in a few days, and sometimes it will take as long as six months. The length of time which it takes the Court to make a decision depends in part upon whether the Court decides to simply issue a one-page order or whether it will instead write an opinion explaining the reasons for its decision. If an opinion is written, it may be published in the law books to serve as precedent for future cases.

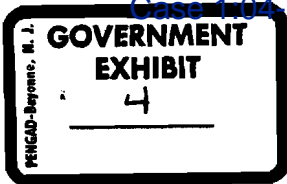
I hope that this provides you with a sufficient explanation of the appeal process. As you can see, this is a very slow process, and it could take as long as one year from the date when the Notice of Appeal is filed until the date when a decision is rendered. Therefore, if you do not hear from me for extended periods of time, please do not think that I have forgotten about you. My silence only means that I am waiting to hear from the Court of Appeals, and therefore have nothing to report.

Very truly yours,



Karen Sirianni Gerlach
Assistant Federal Public Defender

KSG:lem



FY 05/014 (Eve)

plea

NOTICE OF APPEAL TO
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

U.S. District Court - Western District of Pennsylvania (Pittsburgh)

Circuit Court Docket No. _____

FULL CAPTION IN DISTRICT COURT:

UNITED STATES OF AMERICA

V.

DANIEL RAY HINES

District Court

Docket No. Criminal No. 04-2E

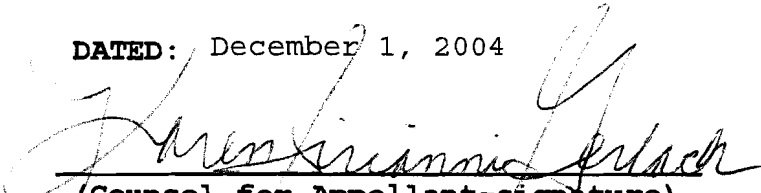
District Court

Judge Sean J. McLaughlin

Notice is hereby given that Daniel Ray Hines
appeals to the United States Court of Appeals for the Third Circuit
from ☒ Judgment; ☐ Order; ☐ Other (Specify) _____

entered in this action on November 23, 2004 .

DATED: December 1, 2004


(Counsel for Appellant-signature)
Karen Sirianni Gerlach / PA ID# 52956
Assistant Federal Public Defender
(Name of Counsel-Typed)

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FILE COPY

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LISA B. FREELAND
Federal Public Defender

THOMAS W. PATTON
Assistant Federal Public Defender

August 10, 2005


Mr. Daniel Ray Hines
c/o Crawford County Correctional Facility
2100 Independence Drive
Saegertown, PA 16433

Re: USA v. Daniel Ray Hines
Criminal No. 04-2 Erie

Dear Mr. Hines:

Enclosed is a copy of an Amended Judgment with regard to your case.

Very truly yours,



Thomas W. Patton
Assistant Federal Public Defender

TWP/emd
Enclosure

